

§ 317.21

Meat Inspection Act, shall be of sufficient capacity to weigh the entire unit and/or package.

(c) No scale shall be used at a federally inspected establishment to weigh meat products unless it has been found upon test and inspection, as specified in NIST Handbook 44, to provide accurate weight. If a scale is reinspected or retested and found to be inaccurate, or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been inspected and tested by a USDA official, or a State or local government weights and measures official, or State registered or licensed scale repair firm or person, and it must meet all accuracy requirements as specified in NIST Handbook 44. If a USDA inspector has put a retain tag on a scale it can only be removed by a USDA inspector. As long as the tag is on the scale, it shall not be used.

[55 FR 49834, Nov. 30, 1990, as amended at 60 FR 12884, Mar. 9, 1995; 64 FR 53187, Oct. 1, 1999]

§ 317.21 Scales: testing of.

(a) The operator of each official establishment that weighs meat food products shall cause such scales to be tested for accuracy, in accordance with the technical requirements of NIST Handbook 44, at least once during the calendar year. In cases where the scales are found not to maintain accuracy between tests, more frequent tests may be required and monitored by an authorized USDA program official.

(b) The operator of each official establishment shall display on or near each scale a valid certification of the scale's accuracy from a State or local government's weights and measures authority or from a State registered or licensed scale repair firm or person, or shall have a net weight program under a Total Quality Control System or Partial Quality Control Program in accordance with § 318.4 of this subchapter.

[55 FR 49834, Nov. 30, 1990, as amended at 62 FR 45024, Aug. 25, 1997]

§ 317.22 Handling of failed product.

Any lot of product which is found to be out of compliance with net weight requirements upon testing in accord-

9 CFR Ch. III (1–1–00 Edition)

ance with § 317.19 shall be handled as follows:

(a) A lot tested in an official establishment and found not to comply with net weight requirements may be reprocessed and must be reweighed and remarked to satisfy the net weight requirements of this section and be reinspected, in accordance with the requirements of this part.

(b) A lot tested outside of an official establishment and found not to comply with net weight requirements must be reweighed and remarked with a proper net weight statement, provided that such reweighing and remarking shall not deface, cover, or destroy any other marking or labeling required under this subchapter and the net quantity of contents is shown with the same prominence as the most conspicuous feature of a label.

[55 FR 49834, Nov. 30, 1990]

§ 317.23 [Reserved]

§ 317.24 Packaging materials.

(a) Edible products may not be packaged in a container which is composed in whole or in part of any poisonous or deleterious substances which may render the contents adulterated or injurious to health. All packaging materials must be safe for their intended use within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act, as amended (FFDCA).

(b) Packaging materials entering the official establishment must be accompanied or covered by a guaranty, or statement of assurance, from the packaging supplier under whose brand name and firm name the material is marketed to the official establishment. The guaranty shall state that the material's intended use complies with the FFDCA and all applicable food additive regulations. The guaranty must identify the material, e.g., by the distinguishing brand name or code designation appearing on the packaging material shipping container; must specify the applicable conditions of use, including temperature limits and any other pertinent limits specified under the FFDCA and food additive regulations; and must be signed by an authorized official of the supplying firm. The guaranty may be limited to a specific